

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

LARRY WALL, SR., *as surviving parent of Larry Wall, Jr., deceased*; LARRY THOMAS, *as surviving minor child of Larry Wall, Jr., deceased*; KIMBERLY THOMAS, *as natural guardian and next friend*; JADEN WALL, *as surviving minor child of Larry Wall, Jr., deceased*; LICIA BARNES, *as natural guardian and next friend*; LARRY WALL, S.R., *as temporary administrator of the estate of Larry Wall, Jr., deceased*,

Plaintiffs,

v. 4:12-cv-101

THE MAYOR AND ALDERMEN OF
THE CITY OF SAVANNAH,
GEORGIA; and JASON CAREY,

Defendants.

ORDER

I. INTRODUCTION

Now before the Court is Plaintiffs' motion to remand. *See* Doc. 12.

II. ANALYSIS

On March 14, 2012, Plaintiffs filed suit against Defendants in the Superior Court of Chatham County, Georgia, alleging, among other claims, a claim under 42 U.S.C. § 1983. *See* Doc. 1-1 at 2-14. Defendants removed to this Court, alleging subject matter jurisdiction on account of the § 1983 claim. *See* Doc. 1. Plaintiffs filed an amended complaint, dropping their § 1983 claim. *See* Doc. 11. Plaintiffs have moved to remand, and Defendants agree that this

Court no longer has subject matter jurisdiction. *See* Docs. 12; 16 at 2-3.

"Federal courts are courts of limited jurisdiction." *Burns v. Windsor Ins. Co.*, 31 F.3d 1092, 1095 (11th Cir. 1994). Federal subject matter jurisdiction exists when a controversy involves a question of federal law or diversity of citizenship between the parties. *See* 28 U.S.C. §§ 1331-1332.

Plaintiffs' amended complaint is devoid of the federal law issue that appeared in the original complaint, and the parties are not diverse. Accordingly, this Court lacks subject matter jurisdiction. Plaintiffs' motion to remand is **GRANTED**.

III. CONCLUSION

Plaintiffs' motion to remand, *see* Doc. 12, is **GRANTED**. This case is **REMANDED** back to the Superior Court of Chatham County, Georgia.

This 6th day of June 2012.



B. AVANT EDENFIELD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA